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PART I

Section i



GOVERNMENT OF KERALA

Law (Leg-Publication) Department

NOTIFICATION

No. 14775/Leg.Pbn.4/2013/Law.

Dated, Thiruvananthapuram, 29th November 2013.

The following Act of Parliament published in the Gazette of India Extraordinary, Part II, Section I dated the 21st day of June, 2012 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 20th day of June, 2012.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD,
Law Secretary.

THE INSTITUTES OF TECHNOLOGY (AMENDMENT ACT, 2012)

ACT No. 34 OF 2012

AN

ACT

further to amend the Institutes of Technology Act, 1961.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Institutes of Technology (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In the Institutes of Technology Act, 1961 (59 of 1961) (hereinafter referred to as the principal Act), in section 2, for the words “and the Indian Institute of Technology, Roorkee”, the words “the Indian Institute of Technology, Roorkee, the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhi Nagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna, the Indian Institute of Technology, Ropar and the Indian Institute of Technology (Banaras Hindu University), Varanasi” shall be substituted.

3. Amendment of section 3.—In section 3 of the principal Act,—

(a) in clause (c), after sub-clause (iv), the following sub-clauses shall be inserted, namely:—

“(v) in relation to the society known as the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Bhubaneswar;

“(vi) in relation to the society known as the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Gandhinagar;

(vii) in relation to the society known as the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Hyderabad;

(viii) in relation to the society known as the Indian Institute of Technology, Indore, the Indian Institute of Technology, Indore;

(ix) in relation to the society known as the Indian Institute of Technology, Rajasthan, the Indian Institute of Technology, Jodhpur;

(x) in relation to the society known as the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Mandi;

(xi) in relation to the society known as the Indian Institute of Technology, Patna, the Indian Institute of Technology, Patna;

(xii) in relation to the society known as the Indian Institute of Technology, Punjab, the Indian Institute of Technology, Ropar;

(xiii) in relation to the Institute of Technology, Banaras Hindu University, referred to in Statute 25(A)(1) of the Statutes set out in the Schedule to the Banaras Hindu University Act, 1915 (16 of 1915), the Indian Institute of Technology (Banaras Hindu University), Varanasi;”;

(b) after clause (g), the following clause shall be inserted, namely:—

‘(ga) “Institute of Technology, Banaras Hindu University” means the Institute of Technology, Banaras Hindu University, referred to in Statute 25 (A) (1) of the Statutes set out in the Schedule to the Banaras Hindu University Act 1915 (16 of 1915);’;

(c) in clause (J), after sub-clause (iii), the following sub-clauses shall be inserted, namely:—

“(iv) the Indian Institute of Technology, Bhubaneswar;

(v) the Indian Institute of Technology, Gandhinagar;

(vi) the Indian Institute of Technology, Hyderabad;

(vii) the Indian Institute of Technology, Indore;

(viii) the Indian Institute of Technology, Rajasthan;

(ix) the Indian Institute of Technology, Mandi;

(x) the Indian Institute of Technology, Patna;

(xi) the Indian Institute of Technology, Punjab;”;

(d) after clause (1), the following clause shall be inserted, namely:—

‘(m) “zone”, in relation to an Institute, means such group of States and Union territories as the Central Government may, by notification in the Official Gazette, specify.’.

4. Amendment of section 4.—In section 4 of the principal Act, after sub-section (1C), the following sub-section shall be inserted, namely:—

“(ID) The Institute of Technology, Banaras Hindu University shall, on such incorporation, be called the Indian Institute of Technology (Banaras Hindu University), Varanasi.”.

5. Amendment of Section 5.—In section 5 of the principal Act, the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

“*Explanation 2.*—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna and the Indian Institute of Technology, Ropar, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.”.

6. Insertion of new section 5B.— After section 5A of the principal Act, the following section shall be inserted, namely:—

“5B. *Effect of incorporation of Indian Institute of Technology (Banaras Hindu University), Varanasi.*—On and from the commencement of the Institutes of Technology (Amendment) Act, 2012,—

(a) any reference to the Institute of Technology, Banaras Hindu University in any law for the time being in force (other than this Act) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(b) all property, movable and immovable, of or belonging to the Institute of Technology, Banaras Hindu University, shall vest in the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(c) all rights and liabilities of the Institute of Technology, Banaras Hindu University shall be transferred to, and be the rights and liabilities of, the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(d) every person employed in the Institute of Technology, Banaras Hindu University immediately before such commencement shall hold his office or service in the Indian Institute of Technology (Banaras Hindu University), Varanasi by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Indian Institute of Technology (Banaras Hindu University), Varanasi in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Indian Institute of Technology (Banaras Hindu University), Varanasi of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Provided further that any reference, by whatever form of words, to the Director of the Institute of Technology, Banaras Hindu University in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi; and

(e) on the commencement of the Institutes of Technology (Amendment) Act, 2012,—

(i) the Vice-Chancellor of the Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 (16 of 1915) shall be deemed to have been appointed as *ex officio* Chairman of the Board of Governors of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold office for a period of three years with effect from such commencement;

(ii) the Director of the Institute of Technology, Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 (16 of 1915) shall be deemed to have been appointed as Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold his office till Director is appointed under this Act.

Explanation.—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.”.

7. Amendment of section 6.—In section 6 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) subject to the provisions of this Act, every Institute may strive to meet the technological needs of the States and the Union territories included in its zone by—

(a) supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability;

(b) advising the State Governments and the Union territories included in its zone in the matter of technical education and any technological issue referred by them to the Institute for advice.”.

8. Amendment of section 11.—In section 11 of the principal Act,—

(i) after clause (e), the following proviso shall be inserted, namely:—

“Provided that in the case of the Indian Institute of Technology (Banaras Hindu University), Varanasi,—

(a) the Board of such Institute shall consist of Vice-Chairman to be nominated, after a period of three years from the commencement of the Institutes of Technology (Amendment) Act, 2012, by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915 (16 of 1915) from amongst its members including its Vice-Chancellor;”;

(b) four persons to be nominated under clause (d), out of which two persons to be nominated by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915 (16 of 1915), from amongst its members including its Vice-Chancellor;”;

(ii) the *Explanation* shall be omitted.

9. Amendment of Section 14.—In section 14 of the principal Act, after clause (e), the following proviso shall be inserted, namely:—

“Provided that in case of the Indian Institute of Technology (Banaras Hindu University), Varanasi, three members shall be nominated by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915 (16 of 1915).”.

10. Amendment of Section 38.—In section 38 of the principal Act,—

(a) after clause (i), the following clauses shall be inserted, namely:—

“(j) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna and the Indian Institute of Technology, Ropar are made under this Act, the Statutes and Ordinances of such Institute, as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(k) the Executive Council, referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915 (16 of 1915), functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, but on the constitution of a new Board under this Act, the Executive Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi is concerned;

(l) the Academic Council, referred to in clause (a) of section 2 of the Banaras Hindu University Act, 1915 (16 of 1915), functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, but on the constitution of a new Senate under this Act, the Academic Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(m) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Kanpur immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall apply to the Indian Institute of Technology (Banaras Hindu University), Varanasi with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(n) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2012, any student who joined classes of the Institute of Technology, Banaras Hindu University on or after the commencement of 2006-2007 academic session or completed the courses on or after 2009-2010 academic session shall for the purpose of clause (b) of sub-section (1) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology (Banaras Hindu University), Varanasi provided that such student has not already been awarded degree or diploma for the same course of study;

(o) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2012, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2012:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.”;

(b) after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

“*Explanation 3.*— The reference in clauses (k), (l) and (m) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.”.
